



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Inventor(s): Johnson, et al.
SC/Serial No.: 09/610,239
Confirm. No.: 4991
Filed: July 5, 2000
Title: IN-VACUUM EXPOSURE SHUTTER

PATENT APPLICATION

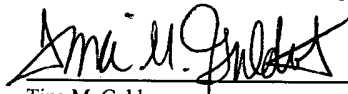
Art Unit: 2851
Examiner: Nguyen, Hung

Customer No. 23910

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UNDER 37 C.F.R. §1.10

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Tina M. Galdos
Signature Date: February 11, 2003

(Signature)

**DECLARATION OF CHARLES H. JEW
IN SUPPORT OF APPLICANTS' PETITION TO REVIVE PURSUANT TO 37 C.F.R.
§1.137(a) AS BEING UNAVOIDABLE OR ALTERNATIVELY AS BEING
UNINTENTIONALLY PURSUANT TO §1.137(b)**

Box DAC
Commissioner for Patents
Washington, DC 20231

Sir:

I, Charles H. Jew, declare that:

1. I am the attorney of record for the above-captioned application.
2. On December 2, 2002, I became employed with the law firm of Fliesler, Dubb, Meyer & Lovejoy, LLP. Prior to that I was employed at Burns, Doane, Swecker & Mathis in its Redwood Shores, California office.

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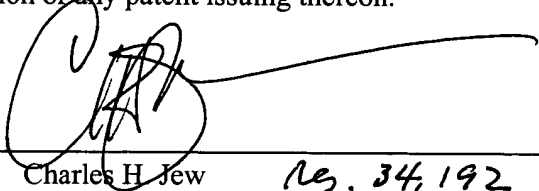
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3. In mid-May 2002, I received an Office Action that was mailed on May 15, 2002 in which the Examiner issued a Final Action rejecting most of the claims but only objected to two claims.
4. On June 4, 2002, I completed a response to the Office Action including the submission of Formal Drawings. In accordance with standard office procedure, the response was forwarded to Burns, Doane, Swecker & Mathis' Alexandria, Virginia office where the response was hand-delivered to the U.S. Patent and Trademark Office on June 5, 2002. (A copy of the postcard bearing the "June 5, 2002" stamp is attached.)
5. In early November, 2002, I became concerned regarding the status of the application since I had not received any response from the U.S. Patent and Trademark Office. Therefore, I called the Examiner who insisted that he had never received the Response to the Office Action.
6. On November 8, 2002, I faxed to the Examiner a copy of the response including the formal drawings along with the postcard. At that time I explained to him that I believe the issues were fairly minor and at the very least we can amend the claims to place the objected claims in condition for allowance. I also requested that he give me a phone call to resolve these issues in light of the short time frame.
7. On or about November 15, 2002, six months from the date of the Final Office Action, it was my understanding that the Examiner faxed a copy of an Advisory Action to me which bears a mailing date of November 15, 2002. I did not receive a copy of the fax until Monday, November 18, 2002. Since he did not call, I was expecting to get an allowance.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 11 Feb. 03

By: 
Charles H. Jew Reg. 34,192

Inventor: Johnson, et al
 Docket No.: 023890-031

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Appl. No.: 09/610,239Filing Date: July 5, 2000Work Atty: CHJ/mmsPTO Delivery Date: June 5, 2002

10

The following was/were received in the U.S. Patent and Trademark Office on the date stamped hereon:

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Amendment After Final Rejection | <input type="checkbox"/> Certificate Under 37 C.F.R. § 3.73(b) | <input type="checkbox"/> Check for \$___ is enclosed |
| <input type="checkbox"/> Preliminary Amendment | <input type="checkbox"/> Transmittal Letter for Missing Parts of Application | <input type="checkbox"/> Check for \$___ is enclosed |
| <input checked="" type="checkbox"/> Reply Transmittal Letter | <input type="checkbox"/> Executed Declaration/Power of Attorney | <input type="checkbox"/> Charge \$___ to Deposit Account |
| <input type="checkbox"/> Petition for ___ Month Extension of Time | <input type="checkbox"/> Small Entity Declaration | <input type="checkbox"/> Issue Fee Transmittal |
| <input checked="" type="checkbox"/> Submission of Formal Drawings w/ ___ sheet(s) of drawings (Figs. 1-4) | <input type="checkbox"/> Assignments/Assignment Recordation Form Cover Sheets (two) (PTO-1595) | <input type="checkbox"/> Payment of Issue Fee and Authorization to charge Deposit Account |
| <input type="checkbox"/> Request for Approval of Drawing Changes w/ ___ sheet(s) of red ink drawings | <input type="checkbox"/> Claim for Convention Priority w/ ___ certified copy(s) | <input type="checkbox"/> Request for Refund |
| <input type="checkbox"/> Notice of Appeal | <input type="checkbox"/> Information Disclosure Statement w/ ___ document(s) | <input type="checkbox"/> Status Inquiry |
| <input type="checkbox"/> Brief for Appellant | <input type="checkbox"/> Information Disclosure Citation (PTO-1449) | <input type="checkbox"/> Request for Corrected Filing Receipt w/copy of Official Filing Receipt |
| <input type="checkbox"/> Request for Oral Hearing | <input type="checkbox"/> Information Disclosure Statement Transmittal Letter | <input checked="" type="checkbox"/> Acknowledgment Postcard |
| <input type="checkbox"/> Reply Brief | <input type="checkbox"/> Request for Corrected Notice of Recordation of Assignment w/copy of Notice | <input type="checkbox"/> |
| <input type="checkbox"/> Response to Restriction Requirement or Election of Species | <input type="checkbox"/> Request for Continued Examination | <input type="checkbox"/> |
| <input type="checkbox"/> Terminal Disclaimer | | |



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32